

House Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

CHAPTER 91

HOUSE BILL 2080

AN ACT

AMENDING TITLE 40, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 6.5; RELATING TO PLANNING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 40, chapter 2, Arizona Revised Statutes, is amended
3 by adding article 6.5, to read:

4 ARTICLE 6.5. UTILITY PLANNING

5 40-360.51. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "FACILITIES" MEANS CORRIDORS USED BY A UTILITY TO PROVIDE SERVICE
8 TO CUSTOMERS INCLUDING POLES, TOWERS, TRANSFORMERS AND LINES FOR THE
9 TRANSMISSION OF ELECTRIC ENERGY AT NOMINAL VOLTAGES OF ONE HUNDRED FIFTEEN
10 THOUSAND VOLTS OR MORE, NATURAL GAS PIPELINES OF TWENTY-FOUR OR MORE INCHES
11 IN DIAMETER AND SUBSTATIONS, REGULATOR STATIONS, MEASUREMENT STATIONS AND
12 COMPRESSOR STATIONS.

13 2. "FACILITY PLAN" MEANS A PLAN FOR THE FUTURE LOCATION OF FACILITIES
14 DEVELOPED BY A UTILITY.

15 3. "MUNICIPALITY" MEANS A CITY OR TOWN CHARTERED OR INCORPORATED UNDER
16 THE LAWS OF THIS STATE.

17 4. "PLANNING AREA" MEANS OUTSIDE THE EXTRATERRITORIAL JURISDICTION
18 LIMITS OF A MUNICIPALITY DESCRIBED IN SECTION 9-461.11, SUBSECTION G.

19 5. "UTILITY" MEANS ANY RETAIL PROVIDER OF ELECTRIC OR NATURAL GAS
20 SERVICES.

21 40-360.52. Planning

22 AN ELECTRIC OR NATURAL GAS UTILITY MAY ENGAGE IN ADVANCE PLANNING WITH
23 ANY MUNICIPALITY OR COUNTY WITH RESPECT TO EACH FACILITY THAT THE UTILITY
24 ANTICIPATES INSTALLING IN THE MUNICIPALITY OR COUNTY. IF A UTILITY ENGAGES
25 IN ADVANCE PLANNING WITH A MUNICIPALITY OR COUNTY, THE MUNICIPALITY OR COUNTY
26 SHALL COOPERATE AND WORK WITH THE UTILITY.

27 40-360.53. Utility facilities included in municipal and county
28 plans

29 A. IF A UTILITY DEVELOPS AND DELIVERS A FACILITIES PLAN TO A
30 MUNICIPALITY OR A COUNTY, THE MUNICIPALITY OR COUNTY, WITH RESPECT TO THE
31 FACILITIES LOCATED IN ITS CORPORATE LIMITS OR PLANNING AREA, SHALL INCLUDE
32 THE LOCATION AND NATURE OF THE PLANNED FACILITIES IN THE MUNICIPALITY GENERAL
33 PLAN UNDER SECTION 9-461.05 OR THE COUNTY COMPREHENSIVE PLAN UNDER SECTION
34 11-821.

35 B. THE UTILITY SHALL UPDATE EACH FACILITY PLAN PROVIDED TO A
36 MUNICIPALITY OR A COUNTY ON A PERIODIC BASIS, BUT AT LEAST EVERY TWO YEARS.

37 40-360.54. Effect on existing rights

38 THIS ARTICLE DOES NOT:

39 1. MODIFY THE RIGHT OF A UTILITY OR A MUNICIPALITY OR COUNTY WITH
40 RESPECT TO THE DETERMINATION OF THE LOCATION AND NATURE OF UTILITY
41 FACILITIES.

- 1 2. OBLIGATE A UTILITY TO ENGAGE IN FACILITIES PLANNING WITH ANY
- 2 MUNICIPALITY OR COUNTY.
- 3 3. OBLIGATE A UTILITY TO CONSTRUCT FACILITIES IN THE LOCATIONS
- 4 INDICATED IN THE FACILITIES PLAN.
- 5 4. MODIFY THE RESPONSIBILITIES OF THE COMMISSION OR THE POWER PLANT
- 6 AND TRANSMISSION LINE SITING COMMITTEE WITH RESPECT TO SITING UTILITY
- 7 FACILITIES.

APPROVED BY THE GOVERNOR APRIL 11, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 11, 2006.

